

CASE CLOSEOUTS FROM
JULY 1, 1998, TO JANUARY 31, 2011

The Litigation Division defends the County and other Self-Insurance Fund members in legal actions alleging constitutional and common law torts, employment discrimination, medical malpractice, ADA and IDEA violations, workers' compensation claims and challenges to County laws.

The following summarizes the disposition of 1,568 liability cases that were closed by the Litigation Division from July 1, 1998, through January 31, 2011.

| Disposition | Number of Cases (FY 2011) | Number of Cases (Cumulative) | % of Cases (FY 2011) | % of Total Cases (Cumulative) |
|-------------------------------|--------------------------------------|---|---------------------------------|--|
| Voluntary Dismissal | 12 | 188 | 10% | 12% |
| Resolution by Motion | 59 | 547 | 50% | 35% |
| (Motion to Dismiss) | 43 | 372 | 37% | 24% |
| (Motion for Summary Judgment) | 16 | 175 | 13% | 11% |
| Defense Verdict/Judgment | 17 | 213 | 15% | 14% |
| Plaintiff Verdict/Judgment | 5 | 86 | 4% | 5% |
| Settled | 24 | 534 | 21% | 34% |
| Total | 117 | 1568 | 100% | 100% |

Explanation of Categories

Voluntary Dismissal. Plaintiffs sometimes voluntarily dismiss their cases. They do this for a variety of reasons: we file a dispositive motion against which they decide they will be unsuccessful, new facts come to light that make their success appear unlikely, or other unknown reasons.

Resolution by Motion. A motion is a request (generally in writing) to the court seeking to have the court dismiss a case or render judgment for the moving party. Motions generally contain legal argument in support of the resolution being sought. The two most common motions are motions to dismiss and motions for summary judgment.

Defense Verdict/Judgment. Judgment at trial before a judge or jury that finds in favor of the defense.

Plaintiff Verdict/Judgment. Judgment at trial before a judge or jury that finds in favor of the plaintiff.

Settlement. The parties agree that payment of some funds should be made to the plaintiff to resolve the case and conclude it.

Favorable Outcome. Any case that results in a judgment or verdict in favor of Montgomery County or another Self-Insurance defendant is considered to have a favorable outcome. We also consider any case to have a favorable outcome where we attempted to settle, the plaintiff rejected our offer of settlement, the judge/jury finds in favor of the plaintiff, but awards a figure lower than our last offer.

SELECTED LITIGATION ACTIVITIES

| Month | New Lawsuits | Closed Cases |
|----------------|---------------------|---------------------|
| January 2010 | 8 | 11 |
| February 2010 | 5 | 3 |
| March 2010 | 11 | 6 |
| April 2010 | 11 | 6 |
| May 2010 | 19 | 3 |
| June 2010 | 8 | 4 |
| July 2010 | 2 | 9 |
| August 2010 | 7 | 22 |
| September 2010 | 7 | 39 |
| October 2010 | 5 | 18 |
| November 2010 | 11 | 8 |
| December 2010 | 6 | 10 |
| January 2011 | 4 | 11 |